

EAST BELLEVUE COMMUNITY COUNCIL

Summary Minutes

July 1, 2003
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keeffe, Seal and Wiechmann

STAFF: Toni Pratt, Associate Planner
Ann Rennick, Associate Planner

1. Call to Order

The meeting of the East Bellevue Community Council was called to order at 6:32 pm, Chair Bell presided.

2. Roll Call, Flag Salute

Roll was called by the Deputy City Clerk. All Councilmembers were present. Chair Bell led the flag salute.

3. Communications: Written and Oral

Vernon Andersen, 14605 SE 19th Place, explained his concerns regarding the SE 16th roadway improvements and neighborhood access to 148th Avenue. He relayed his conversation with City staff regarding storm water runoff problems and the need to do some digging on 146th Place to build an underground storm drainage retention vault at Spiritwood Park.

4. Approval of Agenda

Chair Bell asked Council for any additions to the published agenda.

Mr. Keeffe requested the addition of item 11(a), Street project at 146th Place and SE 18th and item 11(b), Rezone of rezones - NE 6th Place.

Mr. Halgren asked that the topic of the 156th and 22nd Place right-turn lane/pocket be added as agenda item 10(b).

Mr. Keeffe moved approval of the East Bellevue Community Council July 1, 2003 agenda as amended. Mr. Seal seconded the motion which carried unanimously.

5. Courtesy Hearings

(a) 2003 Process Improvement Land Use Code Amendment

Toni Pratt, Department of Planning and Community Development, provided the staff overview.

She first reviewed the non substantive portions of the proposed legislation. She stated the above proposal creates language consistency in regards to the land use exemption criterion; clarification of the administrative amendment and permit decision criteria; and clarifies notice requirements.

She next reviewed miscellaneous change recommendations, stepping Council through the proposed changes as outlined in Council's packet materials.

Mr. Keffe questioned the proposed vesting changes. He suggested that the vesting language remain at two years for smaller residential development within a specified scope, while larger scale projects be allowed more flexibility. He suggested that the proposed language as stated is in essence throwing the baby out with the bath water. In response, Ms. Pratt stated the proposed vesting change relates only to phased development projects. She pointed to the first page of the proposed ordinance, Section 20.25A.120, where it states "An application for a project with multiple buildings within a single project limit shall submit a project phasing plan...". Ms. Pratt continued, stating it was her belief that the two year vesting provision would continue to apply to non phased projects. She stated she would verify that the two year vesting provisions for smaller projects remained and get back to Council with her findings.

Chair Bell questioned the wording of Section 20.35.355(G) and the addition of the words "earlier of". For clearer readability, he suggested inserting the word "the" prior to "earlier".

Chair Bell opened the courtesy hearing.

Bart Goft, 421 155 Place SE, asked if there was a mechanism for phased project oversight. Responding, Ms. Pratt explained the design and review process throughout the phased project development.

Seeing no one further wishing to provide public input, Mr. Seal moved to close the courtesy hearing. Mr. Keffe seconded the motion which carried unanimously.

(b) 2003 Clean-up Land Use Code Amendment

Ms. Pratt stated this Amendment is non-substantive in nature. Throughout the process of administering the Code, various errors have been discovered. The errors typically stem from changes in department names, cross-references that are no longer valid, and inadvertent errors in previous amendments.

Chair Bell opened the courtesy hearing.

Bart Goft requested the definition of 'Institutional District'. Ms. Pratt responded.

In response to Mr. Keffe, Ms. Pratt stated she would return to the Council with a definition of 'Institutional District'.

Hearing no other public input, Mr. Keffe moved to close the courtesy hearing. Mr. Halgren

seconded the motion which carried with a vote of 5-0.

(c) 2003 Community Council Land Use Code Amendment

Ms. Pratt explained the proposed Land Use Code Amendment would eliminate all references to the Sammamish Community Council and adopt ordinances previously rejected by that body within its jurisdiction. Because the East Bellevue Community Council similarly rejected many of these same ordinances, the City is taking this opportunity to determine if the Council would consider reversing some of their previous disapprovals. Should the Council have no interest in reconsideration, the amendment would go forward only for the previous Sammamish Community Council area. Ordinances at issue are:

1. Ordinance 5234
2. Ordinance 4646
3. Ordinance 4511
4. Ordinance 4270
5. Ordinance 4029
6. Ordinance 3985
7. Ordinance 3747
8. Ordinance 3095
9. Ordinance 2808

Due to the need for Council to study each issue and related previous disapproval in depth, Mr. Keeffe suggested that this item be carried over until their next meeting.

There was Council discussion and consensus to move consideration of the above matter to the August meeting.

Chair Bell opened the courtesy hearing.

Mr. Goft cautioned that reconsideration of previous disapprovals could take away from the legitimacy of past Community Council actions. He stated his discomfort with the City asking for this reconsideration.

Seeing no one else wishing to participate in the courtesy hearing, Mr. Keeffe moved to close the hearing. Mr. Halgren seconded the motion which carried unanimously.

Mr. Halgren reviewed the history of Community Council legislation disapprovals, noting the first did not occur until the early 1980's.

Mr. Keeffe noted, in regards to Ordinance 4270, that currently R-7.5 equates to R-9.3 with minimum lot sizing.

6. Resolutions None.

7. Reports of City Council, Boards and Commissions None.

8. Department Reports

(a) Kelsey Creek Shopping Center Update (Ann Rennick/PCD)

Anne Rennick provided the staff update on activities that are underway associated with the Kelsey Creek Shopping Center. There is no rezone application currently submitted associated with the Kelsey Creek Shopping Center site; although staff has had internal discussions on the range of options that could be considered as part of a future rezone application.

The site referred to as the Kelsey Creek Shopping Center is comprised of three lots and is designated Commercial Business in the Southeast Bellevue Subarea Comprehensive Plan. The property is zoned CB (Community Business); however, the 1987 concomitant zoning agreement for this site requires most development to comply with 1987 NB (Neighborhood Business) dimensional standards and further limits allowed uses. Staff would like preliminary feedback from the East Bellevue Community Council members on their concerns associated with the neighborhood impacts from eliminating the concomitant agreement, implementing all or portions of the current CB dimensional standards (in association with Transition Area Design requirements) and CB uses at the Kelsey Creek Shopping Center site before moving forward with any formal rezone application and recommendation.

Staff has contracted with an outside environmental firm to prepare a study that will provide an analysis of the feasibility of day lighting the culverted portion of Kelsey Creek on this site, and, evaluate the environmental impact of eliminating the day lighting requirement from the concomitant agreement and modifying riparian corridor setback requirements. Result from this study are expected in August and will be part of any staff analysis recommending modifications to the current concomitant agreement.

The City's Utility Department has given their support to an application made by the current property owner to the Federal Emergency Management Agency (FEMA) to revise the current Flood Insurance Rate Map, which shows a large portion of this site as being located within a Flood Hazard Area and limits site development opportunities. As of April of this year, FEMA has indicated a willingness to consider the application but require additional information from the property owner before they move ahead with their review.

Ms. Rennick outlined to Council the 1987 NB restrictions in comparison to the current restrictions of NB and CB within a transition area.

In response to Mr. Keeffe, Ms. Rennick explained the difference between under building and underground parking.

In response to Council discussion, Ms. Rennick stated multifamily residential would be a permitted use under CB zoning. She stated that words could be crafted that stipulates any future multifamily development at this site should have retail on the frontage. Mr. Seal expressed concern with a stipulation placing retail on the frontage as it would close in the site and, possibly, not attract people into

the Center. He stated he did not feel that would be a very good business decision.

In response to Chair Bell, Ms. Rennick stated the rezone application would be City initiated. She stated that, currently, the property owner can not move forward with his proposed redevelopment plan without a change to the concomitant agreement. Ms. Rennick explained that the City's involvement looks to the future and is in answer to the expressed community wishes for revitalization of this site. The timing of the rezone process is dependent on the completion of the Stream Study.

Mr. Halgren stated the 1987 rezone included a concomitant agreement that embraced the idea reopening the stream at the time of future redevelopment. The community saw the day lighting of the stream as a big benefit. The developer also reaped the benefits of increased uses at that time. He expressed that comparison of value versus cost to accomplish the day lighting of the stream in 2003 did not pass muster. The community was not looking at the day lighting in terms of dollar cost but as a great thing to do. He stated in his review of this matter he will be considering fairness, looking at the equity of benefits for all parties. Mr. Halgren stated that, at the time of the original concomitant agreement, the Community Councils told the City that the Neighborhood Business designation was broken and needed to be fixed. The City responded by putting forward this concomitant agreement. If Neighborhood Business had been fixed to lessen some of the restrictions and increase allowed uses, we would not be having this discussion today. He stated he could sympathize with the idea of having a new concomitant agreement that had Neighborhood Business with transition overlay ground rules or just rezoning Kelsey Creek Shopping Center to Neighborhood Business.

Mr. Halgren identified his concerns, noting density, lot coverage, and building heights as factors. He reviewed various uses under Community Business that he felt were not appropriate in a neighborhood setting.

In response to Mr. Keeffe, Ms. Rennick stated the stream is classified as a type A riparian corridor.

Mr. Keeffe concurred with Mr. Halgren's concern related to building heights. He stated that the stream is a promise which has been made over and over again.

Chair Bell noted that the Comprehensive Plan theme for the South East Bellevue Subarea pretty much denotes this area as residential. One particular policy statement encourages shopping center owners and developers to expand and build as long as it is low intensity. He stated that one of the things that sets this area apart is peoples concerns that this area not become a little Crossroads. He expressed concerns in regards to potential building heights and impacts to surrounding residential area.

Chair Bell noted that approaches for redevelopment of the Kelsey Creek Shopping Center and the Lake Hills Shopping Center should be consistent.

Mr. Seal stated concern that the residential character of the community be preserved.

(b) Clearing & Grading Amendment to Bellevue City Code

Chair Bell noted the materials provided in the packet for informational purposes.

9. Committee Reports None

10. Unfinished Business

- (a) Bed & Breakfast Application at 1844 140th Avenue SE

Chair Bell noted the materials provided in the packet for informational purposes.

- (b) Right-turn Pocket on 156th Avenue SE and SE 22nd Place

Mr. Halgren reminded Council of the Neighborhood Enhancement Project to install a 300 foot right-turn pocket at 156th and SE 22nd Place. He stated the project was scrapped due to the high costs associated with property acquisition. He noted that this evening there were ten cars in line to make that right turn onto SE 22nd Place. Going South on 156th SE as it approaches SE 22nd Place the pavement widens. Many cars currently use it as an unofficial right turn lane. At a minimal cost and possibly some re-striping, this unofficial right turn lane could be legitimized. He noted the June 3rd Minutes reflect his intentions to draft a letter to the Transportation Department regarding the above and confirmed that he would draft the letter.

11. New Business

- (a) Street Project at 146th Place and SE 18th Street

In response to Mr. Andersen's concerns, Mr. Seal suggested that Council draft a letter to the City requesting that as part of this project they complete street improvements. Currently, the street is only finished to the middle of the right-of-way.

Mr. Keeffe suggested it was the Community Council's understanding that the City is considering doing work which will involve placing a storm water retention facility in Spiritwood Park, and, if that is so, the Council should ask the City to consider completing street improvements as would be required of a private property owner contemplating a similar project. If the City has nothing programmed for this site, the Council should request that they please consider placing this street improvement on their "to-do-list". He stated the park property is roughly two to three acres in size.

There was Council consensus for Mr. Seal to draft such a request.

Mr. Halgren questioned if the City had a master park plan for Spiritwood Park. He commented that the installation of a storm water retention facility constitutes a significant change and questioned if it would limit the usage of that park.

- (b) Rezone of Rezone – NE 6th Place

Mr. Keeffe provided the background of the past City initiated Wilburton rezone and Comprehensive Plan change that included NE 6th Place. He stated that the six owners of properties that finger across 140th on the east side would like to see the zoning of R-2.5 revert to its original zoning. Mr. Keeffe

noted that none of these six owners wanted the R-2.5 zoning then and they still do not want it now. He requested concurrence from the Council to ask that the City to return these six parcels to R-1.8.

There was Council discussion and consensus.

12. Continued Communications

(a) 2003 Parks & Open Space System Plan Status Memo

Chair Bell noted the communication from Patricia Lambert in Council's packet regarding 2003 Parks & Open Space System Plan. Ms. Lambert invited Community Council participation at the public hearing to be held in conjunction with a Parks Board meeting later this summer. There was consensus to request copies of the draft Plan when available.

Bart Goft shared with Council the difficulty he encountered when trying to catch a metro bus to Seattle at Bellevue Community College due to roadway construction. He stated the signs for the bus stop were confusing.

13. Executive Session None.

14. Approval Summary Minutes

(a) June 3, 2003 East Bellevue Community Council Summary Minutes

Mr. Keeffe moved approval of the East Bellevue Community Council Minutes of June 3, 2003. Mr. Seal seconded the motion which carried unanimously.

15. Adjournment

Mr. Keeffe moved for adjournment. Mr. Seal seconded the motion which carried with a vote of 5-0. Meeting adjourned at 10:49 pm.

Submitted By:

Michelle Murphy
Deputy City Clerk